

From: Greg Sidak
Date: Wed, Feb 12, 2003 10:43 AM
Subject: Mandatory Unbundling, UNE-P, and the Cost of Equity: Does TELRIC Pricing

http://papers.ssrn.com/sol3/delivery.cfm/SSRN_ID374221_code030207500.pdf?abstractid=374221

The following forthcoming article is now posted on the Social Science Research Network:

Mandatory Unbundling, UNE-P, and the Cost of Equity Does TELRIC Pricing Increase Risk for Incumbent Local Exchange Carriers?

J. GREGORY SIDAK
American Enterprise Institute (AEI)
ALLAN T. INGRAHAM
Criterion Auctions, L.L.C.

Yale Journal on Regulation, forthcoming 2003

Abstract:

The Telecommunications Act of 1996 sought to improve competition through facilities-based investment. Thomas Jorde, Gregory Sidak, and David Teece hypothesized in 1999 that mandatory unbundling at TELRIC (total element long-run incremental cost) prices would increase the equity costs of incumbent local exchange carriers (ILECs) and reduce their investment incentives by subjecting them to increased risk during economic recession. In particular, competitive local exchange carriers (CLECs) are more likely to lease unbundled network elements (UNEs) when demand for telecommunications services is weak, because low prices for those services cannot support the high sunk costs of facilities-based investment in the short-term. Alternatively, when demand for telecommunications services is strong, higher prices for those services will afford a CLEC additional revenue to build out its network. Because TELRIC prices are not compensatory in economic terms, ILEC returns will suffer in times of recession and improve during an expansion.

We empirically test the Jorde-Sidak-Teece hypothesis. We find that the ILECs' betas increased positively and statistically during the recession that began in March 2001. Consequently, their equity costs rose by between 0.4 percentage points and 4.1 percentage points, which reduced their incentives to invest in their own networks. This result is consistent with the Jorde-Sidak-Teece hypothesis.

Recent stock market events also appear consistent with the Jorde-Sidak-Teece hypothesis. On January 6, 2003, a front-page story in the Wall Street Journal speculated that the FCC would revise its rules on mandatory unbundling at TELRIC prices in a manner that would benefit the ILECs. Specifically, the report implied that CLECs would lose the opportunity to lease all network elements as an "unbundled network element platform," better known as UNE-P. The report was significant because UNE-P had become an entry strategy for CLECs that rested on regulatory arbitrage: UNE-P is functionally equivalent to resale, yet it is more favorably priced for the CLECs than is resale. The practical effect of ending the pricing arbitrage created by UNE-P would be to force CLECs to pay resale prices or resort to an entire or partial

facilities-based business model for providing local telephony. Put differently, UNE-P would not disappear; it would simply be priced by arms-length negotiation between ILECs and CLECs rather than by a regulatory commission.

The abnormal returns of telecommunications equipment manufacturers on January 6, 2003 are highly probative of whether mandatory unbundling at TELRIC prices-epitomized in its most extreme form by UNE-P-is thought by the capital markets to increase or decrease investment in the network infrastructure required for local telephony. We find that the positive returns for the telecommunications equipment manufacturers exceeded by approximately 5 percent the return that the market could explain. If mandatory unbundling of network elements at TELRIC prices actually encouraged investment in local telecommunications infrastructure, then the abnormal returns to the telecommunications equipment manufacturers would have been negative on January 6, 2003. Instead, the positive abnormal returns to JDS Uniphase, Lucent, Nortel, and Tellabs reflected an expectation of the capital markets that these firms would have increased net cash flows, which would result from greater (not lesser) sales of telecommunications equipment.

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You can access my abstracts/papers on the Social Science Research Network (SSRN) through the following URL <http://papers.ssrn.com/author=206474>

From: Greg Ullstrom
To: Mike Powell
Date: Thu, Feb 6, 2003 9:49 AM
Subject: UNE-P

February 6, 2003

Dear Commissioner:

I ask your support for the continued availability of the "UNE-Platform."

I am an ordinary consumer who uses New Rochelle Telephone Company which offers local telephone service in New York. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" - the UNE-Platform - to serve customers. It is absolutely critical that competitive local carriers have continued access to the UNE-Platform to remain competitive, and benefit consumers.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service. In my opinion, the RBOCs achieved monopoly position as a result of many years of governmental promotion and protection and not through their own efforts. They should not be allowed to continue as monopolists, and destroy the small competitor, when the full benefits of competition are now beginning to flow to consumers and small businesses.

Please oppose any effort that will limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter

Sincerely,

Greg Ullstrom

Ullstrom@att.net

CC: Commissioner Adelstein, **KM** KJMWEB. Michael Copps, Kathleen Abernathy

From: Gsbcomm2000@aol.com
To: Michael Copps
Date: Wed, Feb 5, 2003 10:01 PM
Subject: UNE-Platform

Commissioner Copps:

Please give your full support to continued availability of the UNE-Platform. I have been a telecom consultant since 1993 in Southern California, and encourage you to vote to keep this vehicle available for local phone service competition,

Please feel free to contact me directly if you have any questions.

Thank you for your time

Sincerely

Gary S. Brummond
gsb communications & investigations
P.O. Box 7033 ■ Fullerton, CA 92834 (Orange County)
(866) GSB-COMM "OneCall Virtual Office" phone/fax/message
(866) 472-2666
<http://lw.gsbpicomm.com>
gsbcomm2000@aol.com
California Licensed Private Investigator #22333
Orange County Registered Process Server #1439
CAPPS Certified Process Server
Telecom Agent
Member of thePIGroup, Ma-Bell & Process-Server Yahoo Newsgroups
** Serving all of Orange, Los Angeles, San Bernardino & Riverside Counties

From: Heidi Pope
To: Michael Copps
Date: Wed, Feb 5, 2003 6:00 PM
Subject: UneP Platform

February 5th, 2003

Dear Commissioner Michael Copps:

I ask your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in select SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" - the UNE-Platform - to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Heidi Pope
Post Sales Marketing Representative
Access One Inc.
(312) 441-1000 ext 945
(800) **804-8333**
(312) 441-1010 fax

AccessOne

From: Henry Hampton
To: Michael Copps
Date: Wed, Feb 5, 2003 6:36 PM
Subject: FW: UNE Platform

-----Original Message-----

From: Henry Hampton [mailto:henry@com-impact.com]
Sent: Wednesday, February 05, 2003 3:27 PM
To: 'mpowell@fcc.gov'
Subject: UNE Platform

2/5/03

Dear Chairman Powell

I ask your support for the continued availability of the UNE-Platform

My company, Communication Impact Inc., offers local telephone services in California. My company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" - the UNE- Platform- to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort that will limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers

Thank you very much for your time and attention to this very important matter

Henry Hampton
CLEC Director
Communication Impact Inc.

From: Jack Overton
To: Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein
Date: Thu, Feb 6, 2003 11:24 AM
Subject: FW: UNE's and the UNE-Platform

> -----Original Message-----

> From: Jack Overton
> Sent: Thursday, February 06, 2003 10 35 AM
> To: 'mpowell@fcc.gov'
> Subject: UNE's and the UNE-Platform

>

> UNE's and the UNE-Platform are crucial to local phone competition thereby
> providing the consumer with a meaningful choice and the pricing benefits
> resulting from competition. In addition, they serve to strengthen the
> small business economy because of the favorable pricing they provide to
> small businesses and because of the jobs that are created by the
> companies operating on the UNE-Platform. I urge you to preserve the
> current list of UNE's and the UNE-Platform. Our nation's economy does not
> need any more negative impacts.

>

> Jack A. Overton, Jr.
> Overton, Russell & Doerr
> 19 Halfmoon Executive Park Drive
> Clifton Park, New York 12065
> Telephone: (518) 383-4000
> Facsimile: (518) 383-5500

>

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>

>

From: Jack Overton
To: Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein
Date: Thu, Feb 6.2003 11:28 AM
Subject: FW: UNE's and the UNE-Platform

» - __Original Message-----

> From: Jack Overton
> Sent: Thursday, February 06, 2003 10:35 AM
> To: 'mpowell@fcc.gov'
> Subject: UNE's and the UNE-Platform
>
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> companies operating on the UNE-Platform. I urge you to preserve the
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> Clifton Park, New York 12065
> Telephone: (518) 383-4000
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>
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>

From: James Ramsay
To: Tcom [E-mail]
Date: Wed, Feb 5.2003 3:51 PM
Subject: UNE Update - NFIB's Support of UNE-PNCC Staff Report on Verizon DS-1 UNE Loop provisioning..

Attached Items of potential Interest

- (1) NFIB ex parte supporting platform
- (2) January 30, 2003 Virginia Corporation Commission Filing re: Verizon provisioning

The Virginia staff reported on its investigation of a Cavalier Tel. complaint about Verizon's DS-1 UNE loop provisioning practices. If you would like to review the report and brief it is available from the VCC web site at

<http://www.state.va.us/scc/caseinfo/puc/c020088.htm>

Executive Summary --- On October 28, 2002, following the complaint of Cavalier Telephone, LLC ("Cavalier"), the Commission directed the Staff to investigate the DS-1 unbundled network element ("UNE") loop provisioning practices of Verizon Virginia Inc. ("Verizon"). Allegiance Telecom of Virginia, Inc. ("Allegiance"). NTELOS Network Inc. and R&B Network Inc. (jointly "NTELOS"), Covad Communications Company ("Covad"). ATBT Communications of Virginia, LLC ("ATBT"), and **XO** Virginia, LLC ("XO") joined Cavalier's complaint. The Staff has now concluded its investigation.

Cavalier's complaint stemmed from a mid-2001 increase in the number of DS-1 UNE loop requests rejected by Verizon for reasons of "no facilities." Cavalier suggested this increase was caused by an abrupt change in Verizon's provisioning policy. The effect of this policy change, according to Cavalier, was harm to both Cavalier and its customers. In conducting its research, the Staff relied on the knowledge it had gained from previous, similarly styled, formal complaints; related informal complaints; field investigations; both formal and informal discovery requests; meetings; and the comments of the various parties in this proceeding. In addition, the Commission's Office of General Counsel examines the legal issues surrounding Verizon's provisioning policy in a separately filed brief. Following **is** a summary of the Staffs investigation and its findings.

The Staff focused on two key areas -- Verizon's DS-1 UNE loop provisioning policy and, more importantly, whether this provisioning policy was in conflict with the Commission's pricing methodology adopted in its proceeding to determine prices for Verizon to charge competitive local exchange carriers (Case No. PUC-1997-00005). Verizon's present DS-1 UNE loop provisioning policy centers on the notion that it does not have to construct (build) new facilities for its competitors. In reviewing this policy, the Staff discovered that Verizon considers certain activities as construction that should be described as maintenance. Therefore, even when facilities exist and would require only routine maintenance to activate, Verizon turns back requests for DS-1 UNE loops for reasons of "no facilities." More importantly, the Total Element Long Run Incremental Costs ("TELRIC") prices established by the Commission contemplated the DS-1 UNE loop construction and maintenance activities that Verizon asserts it is not obligated to perform. Therefore, by turning back DS-1 UNE loop requests from its competitors, Verizon is refusing to perform work for which it is both fairly and fully compensated. The Staff finds that Verizon's DS-1 UNE loop provisioning policy did, in effect, change. Second, that Verizon has distorted the definition of construction to its unfair advantage. Third, that the provisioning activities Verizon will no longer perform are reflected in the Commission's TELRIC prices. Finally, the Staff finds that both competition and customers are harmed by Verizon's DS-1 UNE loop provisioning policy. Among **several possible remedies, the Staff suggests** that the Commission consider requiring Verizon to provision DS-1 UNE loops using assumptions already established in the TELRIC proceeding. Alternatively, the Commission may decide that Verizon is not **required** to construct new DS-1 UNE loop facilities, but that it is obligated only to rearrange existing plant. **In** that case, the Staff suggests that the Commission should consider a re-determination of DS-1 UNE loop rates.

-----Original Message-----

From: Maureen O'Leary [mailto:moleary@comptel.org]

Sent: Wednesday, February 05, 2003 2:26 PM

Subject: NFIB's Support of UNE-P

Importance: High

<<FCC-ltr-Unbundling-Feb02.doc>>

The following statement in response to today's ex parte filing by the National Federation of Independent Business (NFIB) which is attached.

CompTel Applauds NFIB's Support of UNE-P

CompTel President H. Russell Frisby, Jr. said, "CompTel applauds the NFIB's ex parte filing today in the FCC's Triennial UNE Review proceeding. The NFIB has eloquently demonstrated what's at stake for small businesses. The Unbundled Network Element Platform (UNE-P) has been critical to the development of competition for small business customers. Meanwhile, the small business segment has been routinely ignored by the Bells. With \$6 billion in savings generated by UNE-P at risk to small businesses, the continued viability of UNE-P is obviously more important than ever."

Robert M. McDowell

Vice President & Assistant General Counsel

Competitive Telecommunications Association (CompTel)

1900 M Street, N.W.. Suite 800

Washington, D.C. 20036

(202) 296-6650 - voice

(202) 296-7585 - fax

rmcdowell@comptel.org

www.comptel.org

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"WHERE THE BEST OF INDUSTRY MEETS

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February 5, 2003

VIA ELECTRONIC FILING

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation in CC Docket No. 01-338; CC Docket No. 96-98;
CC Docket No. 98-147

Dear Chairman Powell:

This ex parte letter is submitted for the record on behalf of the National Federation of Independent Business (NFIB) in response to the Federal Communication Commission's (FCC) Notice of Proposed Rulemaking in the Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers (Triennial Review NPRM). It is appropriate for NFIB, the nation's largest small business advocacy organization, to comment on the proposal, since the rule will affect the small-business community.

Congress made it clear through the enactment of the Regulatory Flexibility Act (RFA) that the rulemaking process must consider the impact on small businesses. This resolve was bolstered when the president signed Executive Order 13272 and emphasized his commitment to small businesses. Because of the nature of the FCC's Notice of Proposed Rulemaking, it appears that the FCC will not be adhering to the RFA. The scope of the Triennial Review NPRM goes beyond that of the original NPRM. As a result, the Initial Regulatory Flexibility Analysis does not adequately consider the impact on small businesses. Absent any definitive proposed rules, we are unable to determine if the potential impact of the forthcoming rule on small-business consumers is being considered sufficiently.

We believe this would have a potential impact and feel strongly that before issuing a final rule, the FCC should make certain that it fully considers the direct and indirect impacts of *its* rulemaking on small-business consumers. We urge the FCC to review all data to ensure that any action taken does not hinder the availability of competition for small businesses needing local telephone services. As price takers, small-business owners do not have the luxury of negotiating rates like many larger firms. Instead, small-business owners must rely upon competition in the market place to hold down prices.

The FCC's rulemaking has the potential to limit the benefit of the Telecommunications Act of 1996 by reducing the number of competitors willing to serve small-business users. Since the 1996 Act, the Unbundled Network Element Platform (UNE-P) has been critical to the development of competition for small business customers and now serves 7.6% of the small business market. In addition, UNE-P market share is often highest in rural states where competition for the small business market might otherwise be scarce. Further, a study recently released by Economics and Technology, Inc. reveals small businesses could save between \$2.2 billion and \$6 billion a year in lower telephone bills if competitive providers maintain full access to UNE-P.

NFIB supports competition and free markets that act to lower prices for small-business owners. Small-business owners are the backbone of the nation's economy. They employ the majority of the workforce and create the most new jobs. We hope the FCC will work to protect small-business consumer welfare by encouraging competition. On behalf of 600,000 small-business owners, NFIB urges the FCC to conduct a thorough review of all available data to consider how this rulemaking will affect small business users. Thank you for keeping small businesses in mind during your consideration of the Triennial Review NPRM.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Danner", with a long horizontal flourish extending to the right.

Dan Danner
Senior Vice President
Public Policy

cc: Commissioner Martin
Commissioner A bernathy
Commissioner Copps
Commissioner Adelstein

From: James Ramsay
To: Tcom [E-mail]
Date: Tue, Feb 11, 2003 9:24 AM
Subject: UNE-P Update - ARTICLESIMCI UPDATEIEXPLANTION RE: ITS PROPOSAL IETC

Date: Tue, 11 Feb 2003 09:26:24 -0500

MIME-Version: 1.0

X-Mailer: Internet Mail Service (5.5.2653.19)

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 charset="iso-8859-1"

X-OriginalArrivalTime: 11 Feb 2003 14:24:51.0745 (UTC) FILETIME=[56FEE910:01C2D1D9]

"cutdown" of PRESS COVERAGE so far on the delay (Thanks to Mark W for the direct NARUC reference). (be sure and read the MCI explanation of their ex parte re: Anna Marie's discussion of it...thanks)
 More soon
 brad

I. WHY DID THEY POSTPONE? Personal View - Ocam's razor aka simplist explanation is the best - they have yet to work out a deal. My own view is the delay works in favor of NARUC's compromise proposal. Powell is quoted in several articles as seeking more input on filings made at the 11th hour. The only significantly new proposal filed on friday that I saw was NARUC's.

(1) Press Coverage of the delay so far....(though about six reporters are working on arts for the wire services.

A. FCC VOTE ON PHONE COMPETITION DELAYED: COLLEAGUES LINE UP AGginst Powell Plan Christopher Stern: The Washington Post: February 11, 2003: E01 Washington Post Staff Writer Federal Communications Commission Chairman Michael K. Powell's deregulatory agenda has run into stiff opposition from his own colleagues that yesterday forced him to postpone a long-awaited vote on issues critical to the future of the telecommunications industry. FCC staffers, under direction from Powell, crafted a proposal last fall that would have effectively forced ATBT Corp., WorldCom Inc. and other companies to abandon their plans to enter the local telephone business by leasing lines from companies such as Verizon Communications Inc. and BellSouth Corp. In addition, the staff proposal would have rolled back the ability of fledgling competitors to provide high-speed Internet service over the local phone network But a rival proposal put forward by commissioner Kevin J. Martin derailed the staff recommendation after it attracted the support of the agency's two Democratic commissioners, Michael J. Copps and Jonathan S. Adelstein. In a last-minute attempt to derail Martin's proposal, Powell decided to postpone a final vote, originally scheduled for Thursday. The vote will be put off for a week or more, a move intended to put more pressure on Martin or one of the Democratic commissioners to change their position. Martin's compromise proposal would give state regulators the power to write the rules governing how much of the local telephone network must be made available to competitors. It would also require that local telephone companies provide their rivals with the ability to deliver Internet service to their customers at speeds equivalent to 1.5 megabits per second -- about 10 times as fast as

a dial-up modem

Powell's delay of the vote is another indication of the growing influence of Martin, a former FCC staffer who was appointed commissioner by President Bush in 2001. Although Martin and Powell are both Republicans, they are increasingly viewed as rivals who each have their own vision for leading the agency. Martin declined to be interviewed yesterday, but he issued a statement in response to a request from a reporter. "I look forward to working with my colleagues to provide regulatory relief for broadband and new investment, preserve existing competition for local telephone service, and protect states rights in this area," the statement said. Martin's supporters said he has no personal interest in opposing Powell and is merely standing up for his own views.

Sources said Martin's support for state regulators reflects his close ties to the White House. Bush, a former governor of Texas, has often voiced his antipathy for federal regulations that usurp the authority of local officials. Powell also has ties to the White House through his father, Secretary of State Colin L. Powell, but is not viewed as politically savvy as Martin, who spent the past several months quietly building bridges with the agency's two Democrats. The result is that Martin now controls a three-vote majority at the FCC that usually belongs to the chairman. By postponing the vote, Powell effectively threw open the agency's doors to lobbyists who had been banned from discussing the issues with FCC staffers and commissioners since the vote was officially put on the agenda last Thursday. But lobbyists and lawyers who have spent the past several months petitioning the agency say there is little chance that Martin will be swayed, given the support he has from the White House. One source said the Bush administration views Martin as a moderating influence on Powell, who has been openly critical of rules that allowed competitors to sign up 10 million customers in the past three years. "My guess is that he represents the political interests of the White House," the source said.

Tom Hazlett, a former chief economist for the FCC who supports Powell's deregulatory efforts, said a decision to delay the vote is a sign that Powell is struggling in his role as chairman. "This does say something about Powell and his ability to overcome the natural political inertia that accompanies every big decision at the FCC," he said.

B. FCC Postpones Decision On Competition Rules For One Week Dow Jones Business News via Dow Jones By MARK WIGFIELD WASHINGTON -(Dow Jones)- The Federal Communications Commission has postponed for one week a decision on a key proceeding that will set the rules competition in the telecommunications industry. The FCC decided to get additional comment from industry and the public on new proposals submitted by outside parties to the agency last Thursday. The FCC last Thursday closed its doors to lobbyists and the public last week in preparation for a vote that was scheduled for this Thursday. The FCC is seen as phasing out use of some network elements to comply with the court order, thus ending the easiest way for competitors to enter the market. But on Thursday, the National Association of Regulatory Utility Commissioners submitted a plan that gave state regulators more control over

the pace of the phase-out.

The commissioners have been struggling to find the appropriate level of control for the states, with Republican Kevin Martin at odds with the Republican Chairman, Michael Powell, who favors a more limited role. Other issues in play include the ability of companies like Covad Communications Group (COVD) to provide high-speed Internet service over residential voice lines, and the ability of facilities-based competitors like Allegiance

Telecom Inc. **(ALGX)**

to easily connect to the Bell networks. (article also cited Tom K. from Z-tel extensively...)

(3) Meeting on Phone Rules Postponed James S. Granelli: Los Angeles Times : February 11, 2003: C-3 Times Staff Writer The Federal Communications Commission late Monday postponed for a week its much-anticipated meeting on key changes in local telephone competition rules, indicating that the five commissioners can't reach full agreement. FCC Chairman Michael K. Powell staked out an early position that would dramatically lift restrictions forcing regional Bell companies to lease their lines and equipment to competitors at deep discounts. The Bells had argued that the rules stifled innovation and spending on new equipment. But Commissioner Kevin J. Martin, a fellow Republican, and two Democrats propose to free the Bells from restrictions on new high-speed fiber-optic cable designed for advanced services while continuing to regulate the Bells on existing copper and fiber lines. "Powell is increasingly isolating himself and is under pressure from a strong bipartisan coalition, especially conservatives," one industry source said.

OTHER ITEMS:

(1) FEBRUARY 20th DATE: NARUC is as interested as anyone else in the FCC acting by the 20th (perfect timing for our meeting which starts the same day - among other things.) However, the FCC notice says " Last May, the D.C. Circuit Court of Appeals vacated the FCC's current unbundling rules and has stayed their decision until February 20, 2003." That's not an entirely accurate statement. In footnote in Oct. 8, 2002 order finding SBC liable for fine, FCC wrote that D.C. Circuit decision "does not undermine our analysis. The court did not vacate the UNE remand order." In December, when FCC sought delay in effective date of remand, the OGC indicated in a footnote it thought court intended to vacate both line sharing and UNE order. The proposition that the entire list is vacated is legally suspect.

(2) "" ""MCI's EX PARTE: -----Brad, I am writing to provide NARUC with a correction of mischaracterizations made by Anna Maria Kovacs about a Worldcom filing in the FCC's Triennial Review docket. The mischaracterizations are contained in the Kovacs "Update on the FCC's Triennial Review" Note released on February 6, 2003.

In her Note, **Ms** Kovacs **says**: "WCOM claims that the minimum switch for which a CLEC can find a substitute is 25,000 lines." This is completely incorrect. To the contrary. our study shows that, regardless of size of the switch, there are no substitutes for ILEC switching under current conditions; that, given current ILEC practices and charges, competing carriers seeking to provide residential service would be substantially impaired in every ILEC central office if they were denied nondiscriminatory access to unbundled

switching.

In another part of her Note, AM Kovacs again mischaracterizes the Worldcom analysis, as she equates a 25,000-line reference point in our analysis with SBC's suggested 5,000-line dividing line. There is no valid equation that can be made of these two line count references. SBC's is a switch size designation above which SBC calls for immediate removal of the switching UNE. By contrast, WorldCom's 25,000-line reference point **is** a suggestion to state regulators about the **size** of central office switches where regulators might most fruitfully direct their first efforts at removing economic barriers that currently prevent use of UNE-L. These are the larger central offices with sufficient density so that, over time, a CLEC might acquire sufficient market share to overcome diseconomies of scale that prevent efficient utilization of self-provided switching. I wanted to call this to your attention since these issues are being hotly contested in the FCC's Triennial review and it is important for state regulators to receive accurate information about the filings Worldcom has made on the record of that docket.

Thanks very much for your attention to this

James Bradford Ramsay
General Counsel
Supervisor/Director - NARUC Policy Department
National Association of Regulatory Utility Commissioners
1101 Vermont Avenue, Suite 200
Washington, DC 20005
Phone: 202.898.2207
Cell: 202.2570568
Fax: 202.898.2213
E-Mail: jramsay@naruc.org
Website: <http://www.naruc.org>

From: James Ramsay
To: Tcom [E-mail]
Date: Wed, Feb 12, 2003 4:36 PM
Subject: UNE-P Update - ARTICLES/MCI UPDATE/EXPLANATION RE: ITS PROPOSAL/ETC

Date: Tue, 11 Feb 2003 09:26:24 -0500

MIME-Version: 1.0

X-Mailer: Internet Mail Service (5.5.2653.19)

Content-Type: text/plain;
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X-OriginalArrivalTime: 12 Feb 2003 21:37:29.0117 (UTC) FILETIME=[F1354CD0:01C2D2DE]

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I. WHY DID THEY POSTPONE? Personal View - Ocam's razor aka simplist explanation is the best - they have yet to work out a deal. My own view is the delay works in favor of NARUC's compromise proposal. Powell is quoted in several articles as seeking more input on filings made at the 11th hour. The only significantly new proposal filed on friday that I saw was NARUC's.

(1) Press Coverage of the delay so far....(though about six reporters are working on arts for the wire services.

A. FCC VOTE ON PHONE COMPETITION DELAYED; COLLEAGUES LINE UP AGAINST Powell Plan Christopher Stern: The Washington Post: February 11, 2003: E01 Washington Post Staff Writer Federal Communications Commission Chairman Michael K. Powell's deregulatory agenda has run into stiff opposition from his own colleagues that yesterday forced him to postpone a long-awaited vote on issues critical to the future of the telecommunications industry. FCC staffers, under direction from Powell, crafted a proposal last fall that would have effectively forced AT&T Corp., WorldCom Inc. and other companies to abandon their plans to enter the local telephone business by leasing lines from companies such as Verizon Communications Inc. and BellSouth Corp. In addition, the staff proposal would have rolled back the ability of fledgling competitors to provide high-speed Internet service over the local phone network. But a rival proposal put forward by commissioner Kevin J. Martin derailed the staff recommendation after it attracted the support of the agency's two Democratic commissioners. Michael J. Copps and Jonathan S. Adelstein. In a last-minute attempt to derail Martin's proposal, Powell decided to postpone a final vote, originally scheduled for Thursday. The vote will be put off for a week or more, a move intended to put more pressure on Martin or one of the Democratic commissioners to change their position. Martin's compromise proposal would give state regulators the power to write the rules governing how much of the local telephone network must be made available to competitors. It would also require that local telephone companies provide their rivals with the ability to deliver Internet service to their customers at speeds equivalent to 1.5 megabits per second -- about 10 times as fast as

a dial-up modem

Powell's delay of the vote is another indication of the growing influence of Martin, a former FCC staffer who was appointed commissioner by President Bush in 2001. Although Martin and Powell are both Republicans, they are increasingly viewed as rivals who each have their own vision for leading the agency. Martin declined to be interviewed yesterday, but he issued a statement in response to a request from a reporter. "I look forward to working with my colleagues to provide regulatory relief for broadband and new investment, preserve existing competition for local telephone service, and protect states rights in this area," the statement said. Martin's supporters said he has no personal interest in opposing Powell and is merely standing up for his own views.

Sources said Martin's support for state regulators reflects his close ties to the White House. Bush, a former governor of Texas, has often voiced his antipathy for federal regulations that usurp the authority of local officials. Powell also has ties to the White House through his father, Secretary of State Colin L. Powell, but is not viewed as politically savvy as Martin, who spent the past several months quietly building bridges with the agency's two Democrats. The result is that Martin now controls a three-vote majority at the FCC that usually belongs to the chairman. By postponing the vote, Powell effectively threw open the agency's doors to lobbyists who had been banned from discussing the issues with FCC staffers and commissioners since the vote was officially put on the agenda last Thursday. But lobbyists and lawyers who have spent the past several months petitioning the agency say there is little chance that Martin will be swayed, given the support he has from the White House. One source said the Bush administration views Martin as a moderating influence on Powell, who has been openly critical of rules that allowed competitors to sign up 10 million customers in the past three years. "My guess is that he represents the political interests of the White House," the source said.

Tom Hazlett, a former chief economist for the FCC who supports Powell's deregulatory efforts, said a decision to delay the vote is a sign that Powell is struggling in his role as chairman. "This does say something about Powell and his ability to overcome the natural political inertia that accompanies every big decision at the FCC," he said.

B. FCC Postpones Decision On Competition Rules For One Week Dow Jones Business News via Dow Jones By MARK WIGFIELD WASHINGTON -(Dow Jones)- The Federal Communications Commission has postponed for one week a decision on a key proceeding that will set the rules competition in the telecommunications industry The FCC decided to get additional comment from industry and the public on new proposals submitted by outside parties to the agency last Thursday. The FCC last Thursday closed its doors to lobbyists and the public last week in preparation for a vote that was scheduled for this Thursday. The FCC is Seen as phasing out use of some network elements to comply with the court order, thus ending the easiest way for competitors to enter the market But on Thursday, the National Association of Regulatory Utility Commissioners submitted a plan that gave state regulators more control over

the pace of the phase-out.

The commissioners have been struggling to find the appropriate level of control for the states, with Republican Kevin Martin at odds with the Republican Chairman, Michael Powell, who favors a more limited role. Other issues in play include the ability of companies like Covad Communications Group (COVD) to provide high-speed Internet service over residential voice lines, and the ability of facilities-based competitors like Allegiance Telecom Inc. (**ALGX**) to easily connect to the Bell networks. (article also cited Tom K. from Z-tel extensively...)

(3) Meeting on Phone Rules Postponed James S. Granelli: Los Angeles Times : February 11, 2003: C-3 Times Staff Writer The Federal Communications Commission late Monday postponed for a week its much-anticipated meeting on key changes in local telephone competition rules, indicating that the five commissioners can't reach full agreement. FCC Chairman Michael K. Powell staked out an early position that would dramatically lift restrictions forcing regional Bell companies to lease their lines and equipment to competitors at deep discounts. The Bells had argued that the rules stifled innovation and spending on new equipment. But Commissioner Kevin J. Martin, a fellow Republican, and two Democrats propose to free the Bells from restrictions on new high-speed fiber-optic cable designed for advanced services while continuing to regulate the Bells on existing copper and fiber lines. "Powell is increasingly isolating himself and is under pressure from a strong bipartisan coalition, especially conservatives," one industry source said.

OTHER ITEMS:

(1) FEBRUARY 20th DATE: NARUC is as interested as anyone else in the FCC acting by the 20th (perfect timing for our meeting which starts the same day -among other things.) However, the FCC notice says " Last May, the D.C. Circuit Court of Appeals vacated the FCC's current unbundling rules and has stayed their decision until February 20, 2003." That's not an entirely accurate statement. In footnote in Oct. 8, 2002 order finding SBC liable for fine, FCC wrote that D.C. Circuit decision "does not undermine our analysis. The court did not vacate the UNE remand order." In December, when FCC sought delay in effective date of remand, the OGC indicated in a footnote it thought court intended to vacate both line sharing and UNE order. The proposition that the entire list is vacated is legally suspect.

(2)***** MCJ's EX PARTE: -----Brad, I am writing to provide NARUC with a correction of mischaracterizations made by Anna Maria Kovacs about a Worldcom filing in the FCC's Triennial Review docket. The mischaracterizations are contained in the Kovacs "Update on the FCC's Triennial Review" Note released on February 6, 2003.

In her Note, Ms Kovacs says: "WCOM claims that the minimum switch for which a CLEC can find a substitute is 25,000 lines." This is completely incorrect, To the contrary. our study shows that, regardless of size of the switch. there are no substitutes for ILEC switching under current conditions; that, given current ILEC practices and charges, competing carriers seeking to provide residential service would be substantially impaired in every ILEC central office if they were denied nondiscriminatory access to unbundled

switching

In another part of her Note, AM Kovacs again mischaracterizes the Worldcom analysis, as she equates a 25,000-line reference point in our analysis with SBC's suggested 5,000-line dividing line. There is no valid equation that can be made of these two line count references. **SBC's** is a switch size designation above which SBC calls for immediate removal of the switching UNE. By contrast, WorldCom's 25,000-line reference point is a suggestion to state regulators about the size of central office switches where regulators might most fruitfully direct their first efforts at removing economic barriers that currently prevent use of UNE-L. These are the larger central offices with sufficient density so that, over time, a CLEC might acquire sufficient market share to overcome diseconomies of scale that prevent efficient utilization of self-provided switching. I wanted to call this to your attention since these issues are being hotly contested in the FCC's Triennial review and it is important for state regulators to receive accurate information about the filings Worldcom has made on the record of that docket.

Thanks very much for your attention to this

James Bradford Ramsay
General Counsel
Supervisor/Director - NARUC Policy Department
National Association of Regulatory Utility Commissioners
1101 Vermont Avenue, Suite 200
Washington, DC 20005
Phone: 202.898.2207
Cell: 202.2570568
Fax: 202.898.2213
E-Mail: jramsay@naruc.org
Website: <http://www.naruc.org>

From: Jason Buttner
To: Michael Copps
Date: Wed, Feb 5, 2003 4:28 PM
Subject: SAVE UNE-P

Jason **T.** Buttner

Sr. Account Executive

Access One Inc.

820 W. Jackson Boulevard, 6th Floor

Chicago, IL 60607

Ph: 312-441-9973

Fax: 312-441-1010

Jasonb@accessoneinc.com



February 5th, 2003

Dear Commissioner Michael Copps:

I ask your support for the continued availability of the UNE-Platform

My company, Access One, offers local telephone service in select SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" – the UNE-Platform – to serve customers. It is absolutely critical that we **have** continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued in-market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive **value of** the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

I thank you very much for your time and attention to this important matter.

Sincerely,

Jason Butner
Sr. Account Executive
Access **One** Incorporated

From: Jennifer Whaley
To: Michael Copps
Date: Thu. Feb 13, 2003 9:23 AM
Subject: <No Subject>

Jennifer L. Whaley

Access One, Inc.

820 W Jackson

6th Floor

Chicago IL 60607

ph 312.441.9947

fx 312.441.1010



February 5th, 2003

Dear Commissioner Michael Copps,

I ask your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in select SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" – the UNE-Platform – to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale **attack on** the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much **for** your time **and** attention to this important matter.

Sincerely

Jennifer L. Whaley
Assistant to the Controller
Access One Incorporated

1

From: Joel Dupre
To: Michael Copps
Date: Thu, Feb 6, 2003 12:25 PM
Subject: SAVE UNE-P



February 5, 2003

Dear Commissioner Powell:

I ask your support for the continued availability of the "UNE-Platform."

I am the Chairman ~~of~~ the Board of Directors of eLEC Communications Corp, which offers local telephone service in New York, Pennsylvania and New Jersey. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" - the UNE-Platform - to serve customers. It is absolutely critical that competitive local carriers have continued access to the UNE-Platform to remain competitive, and benefit consumers. Before the state PUCs negotiated UNE-P rate changes in these states within the last 12 months, we could not compete as a competitive local exchange carrier.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service. We offer consumers a 25% savings on usage, in comparison to the RBOC rate. We save money for people. We are a small business, creating jobs in a local community. I do not see how companies like Veriron, which just announced earnings of over \$2 billion for the last quarter, need any additional pricing support from the FCC.

Please oppose any effort that will limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Joel G. Dupre
Chairman of the Board
eLEC Communications Corp.

From: John Erb
To: Mike Powell, Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein
Date: Thu, Feb 13, 2003 2:09 PM
Subject: ILEC Bells

I am stunned by the reports that you are considering giving in to the ILECs based on their promise that they alone can make investments in high speed internet access.

On what basis is this at all believable? Their track record is pathetic. They are only offering DSL now because CLEC competitors began to offer it.

Please preserve line sharing and market competition for the ILECs.

John Erb

From: Jon Handler
To: Michael Copps
Date: Thu. Feb 6, 2003 8:54 AM
Subject: UNE-P



February 5th, 2003

Dear Commissioner Michael Copps:

I ask your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in select SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" – the UNE-Platform – to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Jon Handler
Account Executive
Access One Incorporated

From: Julie Nichols
To: Michael Copps
Date: Wed, Feb 12, 2003 12:16 PM
Subject: UNE-Platform

February 5th. 2003

Dear Commissioner Michael Copps:

I ask your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in select SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" - the UNE-Platform - to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Julie Nichols

Administrative Assistant

Access One Incorporated

AccessOne

From: Karalyn Shima
To: Michael Copps
Date: Wed, Feb 5, 2003 4:41 PM
Subject: SAVE THE UNE-PLATFORM

Good afternoon,

I appreciate your time and attention to the very important attached letter

Regards

Karalyn Shima
Marketing Representative
Access One, Inc
P 3124411000x936
F 312441 1010
[www AccessOneInc.com](http://www.AccessOneInc.com)



February 5th, 2003

Dear Commissioner Michael Copps:

Thank your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in select SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" — the UNE-Platform — to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale **attack** on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end **any** chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Karalyn Shima
Marketing Representative
Access One Incorporated

From: Karalyn Shima
To: Michael Copps
Date: Thu, Feb 13, 2003 9:47 AM
Subject: SAVE THE UNE-PLATFORM

Good morning Chairman Copps.

Thank you for your time and consideration in reading the very important attached letter regarding the availability of the UNE-P.

Karalyn Shima
Marketing Representative
Access One, Inc.
P: 312 441 1000 x936
F: 312 441 1010
w.AccessOneInc.com



February 13th, 2003

Dear Commissioner Michael Copps:

I ask your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in select SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" - the UNE-Platform - to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack **on** the UNE-Platform, realizing it is a major threat **to** their continued market dominance. Their strategy is to impose certain restrictions on individual network elements **that** would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all **but** end **any** chance for consumers to enjoy the benefits of meaningful competition in local **phone** service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Karalyn Shima
Marketing Representative
Access One Incorporated

From: Karen Aarons
To: Michael Copps
Date: Wed, Feb 5, 2003 5:43 PM
Subject: Une Platform - citizen comment

i am sending this to the FCC and to Senators and Representatives

KAREN AARONS
TELEQUEST SOLUTIONS, INC
Voice & Data Specialists
(914)-271-2929 x116
(914)-271-5858 (fax)

February 5, 2003

Dear Commissioner Copps,

I am disappointed in the current movement to stifle competition in this local telephone company market.

I ask your support for the continued availability of the "UNE-Platform."

My company, Telequest Solutions, Inc, offers local telephone service in the New York ,New Jersey. Connecticut . The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" – the UNE-Platform - to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort that will limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Karen Aarons
President
Telequest Solutions
One Baltic Place
Croton-on-Hudson, N Y 10520
888-422-7667 x116

From: KBedwell
To: Mike Powell, Kathleen Abernathy, Michael Copps, KM KJMWEB. Commissioner Adelstein
Date: Wed, Feb 5, 2003 9:25 PM
Subject: UNE-P Telecommunications Competition

Dear (Commissioner, Representative, Senator, All Concerned):

I ask your support for the continued availability of the "LINE-Platform."

My company, MegaTelcom Inc., offers local telephone service primarily in the southeastern United States. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" - the UNE-Platform - to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If anything, the platform should be increased to include ALL services the RBOC offers. Presently ADSL, 8 other Internet resale *is* blocked from the current UNE platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort that will limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter

Sincerely,

Peggy Bedwell

President

MegaTelcom Inc

205-699-3133

From: Kelly Killeen
To: Michael Copps
Date: **Wed, Feb 5.2003 4:29 PM**
Subject: SAVE -UNE-P!!!



February 5th, 2003

Dear Commissioner Michael Copps:

I ask your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in select SBC territories. The company has achieved increasing success largely because it utilizes **the** combination of "unbundled network elements" — the UNE-Platform — to serve customers. It is absolutely critical that **we** have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched **a** full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual **network** elements that would destroy the competitive **value** of the UNE-Platform. If the RBOCs succeed, it will all but end **any** chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Kelly M. Killeen
Dedicated Provisioner
Access One Incorporated

From: Ken Gilbert
To: Michael **Copps**
Date: Wed, Feb 5, 2003 4:46 PM
Subject: <No Subject>



February 5th, 2003

Dear Commissioner Michael Copps:

I ask your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in select SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" – the UNE-Platform – to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Ken Gilbert
National Sales Director
Access One Incorporated

From: kenneth bohr
To: Michael Copps
Date: Wed, Feb 5, 2003 9:40 PM
Subject: une-p

Dear Commissioner:

I am a small business owner and personal user that has finally found a great phone company and service in Talk America and now you may shut them down because they are finally giving some competition to the monopolies. I ask your support for the continued availability of the UNE-Platform.

The company has achieved increasing success largely because it utilizes the combination of unbundled network elements the UNE-Platform - to serve customers. It is absolutely critical that competitive local carriers have continued access to the UNE-Platform to remain competitive, and benefit consumers.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort that will limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Ken Bohr

Do you Yahoo!?
Yahoo! Mail Plus - Powerful. Affordable. Sign up now.
<http://mailplusyahoo.com>

From: Kim Smith
To: Michael Copps
Date: Thu, Feb 13.2003 10:01 **AM**
Subject: [Date]



February 13, 2003

Dear Commissioner Michael Copps:

I ask your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in select SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" – the UNE-Platform – to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

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Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform **should be** firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter

Sincerely,

Kim Smith
HR Administrator
Access One Incorporated

From: KMitch6790@aol.com
To: Michael Copps
Date: Tue. Feb 11, 2003 9:53 AM
Subject: fcc ruling

I am with a baby bell for my small business and home. they are more affordable and a very good service so far. The ma bells need competition so let them stay.

Thank You
Craig Mitchell